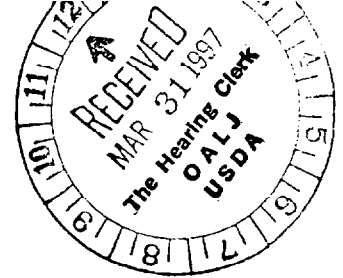


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P. & S. Docket No. D-97-0011
)
Tommy Hanback, d/b/a)
H & H Livestock)
)
Respondents) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §181 et seq.), hereinafter "the Act", by a complaint filed by the Acting Deputy Administrator, Packers and Stockyards Programs, GIPSA, United States Department of Agriculture, alleging that the respondent wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding. (7 C.F.R. §1.138).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter. Respondents neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Findings of Fact

1. Tommy Hanback hereinafter referred to as the respondent, is an individual doing business as H & H Livestock, with a mailing address of Route 12, Box 169, Florence, Alabama 35633.

2. Respondent Hanback is and at all times material herein was:

a. Engaged in the business of buying and selling livestock in commerce for his own account or the account of others and buying livestock in commerce on a commission basis;

b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock in commerce on a commission basis.

Conclusion

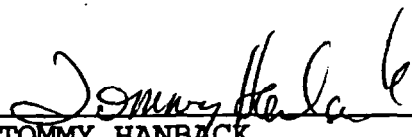
The respondent has admitted the jurisdictional facts and the parties have agreed to the entry of this decision. Therefore, this decision will be entered.

Order

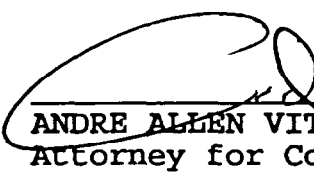
Respondent Tommy Hanback, d/b/a H & H Livestock, his officers, directors, agents and employees, successors and assigns, directly or through any corporate device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

Respondent Tommy Hanback, d/b/a H & H Livestock, is suspended as a registrant under the Act for a period of 28 days.

The provisions of this order shall become effective on the sixth day after service of this decision on the respondent.



TOMMY HANBACK
Respondent



ANDRE ALLEN VITALE
Attorney for Complainant

Issued this 31st day of March 1997



Administrative Law Judge